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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,540	02/24/2005	Naoyuki Maeda	1716372	7009

24240 7590 03/22/2007
CHAPMAN AND CUTLER
111 WEST MONROE STREET
CHICAGO, IL 60603

EXAMINER

TRA, TUYEN Q

ART UNIT	PAPER NUMBER
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2873

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/525,540	MAEDA ET AL.	
	Examiner	Art Unit	
	Tuyen Q. Tra	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 9 is/are rejected.
- 7) ☒ Claim(s) 3-6,8 and 10-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0905</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The declaration filed 02/24/2005 is acceptable.

Drawings

2. The drawings filed on 02/24/2005 in this application are accepted by examiner.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 09/12/2005 is being considered by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda et al. (U.S. Patent 5,150,146 A).

a) With respect to claim 1, Ueda et al. discloses a supporting part which attaches detachably to a portable device (figure 1, item 3) having a photographing camera part (figure 1, item 1) on a photographing optical axis; and a main body (figure 1, item 6) which is arranged integrally with said supporting part and which comprises an illumination optical system (figure 1, item 15) for radiating an illumination beam toward photographing objective eyes along an illumination optical axis (figure 1, item OP) intersected at a predetermined angle with said photographing optical axis (column 4, line 54- 59).

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- b) With respect to claim 2, Ueda et al. further discloses wherein an illumination condition of the illumination optical system is changeable (column 9, lines 20-34).
- c) With respect to claim 7, Ueda et al. further discloses wherein main body comprises optical units of different structures which are replaceable.
- d) With respect to claim 9, Ueda et al. further discloses wherein main body comprises a photographing assistant optical system for photographing an eye ground of the photographing objective eyes, and wherein the illumination optical system is operable for changing an angle which forms between the photographing optical axis and the illumination optical system (column 10, lines 23-35).

6. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda et al. (WO 9736537 A).

With respect to claims 1 and 7, Creed et al. discloses a supporting part which attaches detachably to a portable device (figure 1, item 3) having a photographing camera part (figure 1, item 1) on a photographing optical axis; and a main body (figure 1, item 6) which is arranged integrally with said supporting part and which comprises an illumination optical system (figure 1, item 15) for radiating an illumination beam toward photographing objective eyes along an illumination optical axis (figure 1, item OP) intersected at a predetermined angle with said photographing optical axis (page 6, line 9 - page 11, line 12).

Allowable Subject Matter

7. Claims 3, 4-6, 8 and 10-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reason for the indication of allowable subject matter is that (claim 3) wherein said portable device is a personal digital assistant having a telecommunication function part; (claim 4) wherein an illuminating condition depends upon an angle formed by said photographing optical axis and said illumination optical axis, and a shape or volume of said illumination beam; (claim 5) wherein said main body comprises a photographing assistant optical system which is configured in such a manner that a photographic condition of the photographing assistant optical system is changeable in accordance with changing of illumination conditions; (claim 8) wherein said illumination optical system comprises a slit opening stop and wherein, by projecting a slit illumination beam toward said photographing objective eyes, sectional shapes of a cornea and a crystal lens are photographed; (claim 10) wherein said main body comprises a concentric placido-disc illumination optical system and wherein a cornea of each of said photographing objective eyes is ring-illuminated; (claim 11) wherein said supporting part comprises a pair of legs which are movable to approach and move away or extend and contract with respect to each other; (claim 12) wherein said supporting part is slidable relative to said main body; (claim 13) the portable device has a command function which processes graphic data of the photographing objective eyes at an end destination; (claim 15) wherein an illuminating condition depends upon an

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angle formed by said photographing optical axis and said illumination optical axis, and a shape or volume of said illumination beam; (claim 16) wherein said main body comprises a photographing assistant optical system which is configured in such a manner that a photographic condition of the photographing assistant optical system is changeable in accordance with changing of illumination conditions; (claim 18) wherein said illumination optical system comprises a slit opening stop and wherein, by projecting a slit illumination beam toward said photographing objective eyes, sectional shapes of a cornea and a crystal lens are photographed; (claim 19) wherein said main body comprises a photographing assistant optical system for photographing an eye ground of the photographing objective eyes, and wherein said illumination optical system is adapted to change an angle which forms between said photographing optical axis and the illumination optical system; (claim 20) wherein said main body comprises a concentric placido-disc illumination optical system and wherein a cornea of each of said photographing objective eyes is ring-illuminated disclosed in the claims is not found in the prior art.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Q. Tra whose telephone number is 571-272-2343. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT

March 15, 2007


RICKY MACK
SUPERVISORY PATENT EXAMINER